

## Message Text

LIMITED OFFICIAL USE

PAGE 01 MANILA 01303 251208Z  
ACTION EA-12

INFO OCT-02 ISO-00 JUSE-00 L-03 PM-05 /021 W  
-----001821 260250Z /75

R 250920Z JAN 78  
FM AMEMBASSY MANILA  
TO SECSTATE WASHDC 808  
SECDEF WASHDC  
INFO HQUSAF JA  
CINCPAC JA  
PACAF JA  
CINCPACREPPHIL JA  
13TH AF JA  
3RD CSG JA

LIMITED OFFICIAL USE MANILA 1303

DEPT PASS TO DOJ, FOREIGN CIVIL LITIGATION UNIT

E.O. 11652: N/A  
TAGS: MARR, RP, US  
SUBJECT: SULPICIO GARCIA V. COL. PAUL C. MATHIS

REF: A) 3 CSG/JAI 220025Z NOV 77 (NOTAL)  
B) 3 CSG/JAI 050210Z DEC 77 (NOTAL)  
C) MANILA 1221 DTG R 240925Z JAN 78

1. SUBSTANTIVE TEXT OF PROPOSED DRAFT REPLY TO DFA NOTE  
(REFTEL) READS: QUOTE...AND HAS THE HONOR TO REFER TO  
THE DEPARTMENT'S NOTE NO. 78-157 FORWARDING A COPY OF A  
MOTION TO DECLARE DEFENDANT IN DEFAULT IN CIVIL CASE  
NO. D-4097 OF THE COURT OF FIRST INSTANCE OF PANGASINAN,  
THIRD JUDICIAL DISTRICT, BRANCH IV, DAGUPAN CITY, ENTITLED  
SULPICIO GARCIA VERSUS PAUL C. MATHIS, IN HIS CAPACITY AS  
BASE COMMANDER CAFB ACTING FOR AND IN BAHELF OF THE  
UNITED STATES OF AMERICA.

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THE EMBASSY WISHES TO INFORM THE DEPARTMENT THAT  
SERVICE OF PROCESS HAS NOT BEEN MADE UPON THE EMBASSY IN  
THE CASE REFERRED TO ABOVE NOR DOES PROCESS APPEAR TO  
HAVE BEEN SERVED ON COLONEL MATHIS, THE NOMINAL DEFENDANT  
IN THIS CASE. THE EMBASSY ASSUMES THE DEPARTMENT WILL  
AGREE THAT IN VIEW OF THE ABSENCE OF PROPER SERVICE,

THE HONORABLE COURT OF FIRST INSTANCE OF PANGASINAN HAS  
ACQUIRED JURISDICTION NEITHER AS TO THE NOMINAL NOR THE  
REAL DEFENDANT IN THE ACTION IN QUESTION. THE EMBASSY  
ASSUMES THE DEPARTMENT WILL FURTHER AGREE THAT THE GRANT  
OF A MOTION FOR A DEFAULT JUDGEMENT CAN HAVE NO VALID  
EFFECT WITH RESPECT TO DEFENDANTS OVER WHOM THE COURT  
HAS NOT ACQUIRED JURISDICTION.

THE EMBASSY REQUESTS THE DEPARTMENT TO INFORM  
THE HONORABLE COURT OF THE FOREGOING. THE MOTION IS  
RETURNED HERewith TO THE DEPARTMENT FOR SUCH DISPOSITION  
AS IT MAY DEEM APPROPRIATE. UNQUOTE.

(COMPLIMENTARY CLOSE)

2. REQUEST COMMENTS AND GUIDANCE ASAP.  
NEWSOM

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MILITARY PERSONNEL, COURT PROCEEDINGS, TRIALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 jan 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978MANILA01303  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780038-0453  
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**Message ID:** 15cda1e0-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
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**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 02 may 2005  
**Review Event:**  
**Review Exemptions:** n/a  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3717401  
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**Status:** NATIVE  
**Subject:** SULPICIO GARCIA V. COL. PAUL C. MATHIS  
**TAGS:** MARR, RP, US  
**To:** STATE DOD  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/15cda1e0-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
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